Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 04 AUG 2004
WIPO PCT

Applicant's or agent's file reference	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
03004CP		
International application No.	International filing date (day/month/year)	Priority date *(day/month/year)*
PCT/CN03/00213	25. Mar.2003 (25. 03. 03)	2. Apr.2002 (02. 04. 02)

International Patent Classification (IPC) or national classification and IPC

IPC 7 C07D277/22 277/38 263/30 263/48 207/30 207/34 401/12 403/12 405/12 407/12 417/12 A61K31/40 31/41

Applicant

SHANGHAI INSTITUTE OF MATERIA MEDICA, CHINESE ACADEMY OF SCIENCES etc.

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and /or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 7 sheets.

3. This report contains indications relating to the following items:

I ☒ Basis of the report

II ☐ priority

III ☒ Non-establishment of opinion with regard to novelty ,inventive step and industrial applicability

IV ☐ Lack of unity of invention

V ☒ Reasoned statement under Article 35(2)with regard to novelty ,inventive step or industrial applicability; citations and explanations supporting such statement

VI ☐ Certain documents cited

VII ☐ Certain defects in the international application

VIII ☐ Certain observations on the international opplication.

Date of submission of the demand	Date of completion of this report
03. Nov., 2003(03. 11. 03)	30 June, 2004(30.06.2004)
Name and mailing address of the IPEA/CN 6 Xitucheng Rd., Jimen Bridge, Haidian District, 100088 Beijing, China Facsimile No. 86-10-62019451	Authorized officer Zhou Hubin 周湖 Telephone No. (010) 62085633

Form PCT/IPEA/409(cover sheet)(July 1998)

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/CN01/00213

I. Basis of the report

1. With regard to the elements of the international application:*

☐ the international application as originally filed

☒ the description:

pages 1 ,2 ,5-13 ,as originally filed

pages 3/1, 3/2, 4/1, 4/2 ,filed with the demand

pages _____ ,filed with the letter of _____

☒ the claims:

Nos _____ ,as originally file

Nos _____ , as amended (together with any statement)under Article 19

Nos 1-11 ,filed with the demand

Nos _____ ,filed with the letter of _____

☐ the drawings:

sheets/fig _____ ,as originally filed

sheets/fig _____ ,filed with the demand

sheets/fig _____ ,filed with the letter of _____

☐ the sequence listing part of the description:

pages _____ ,as originally filed

pages _____ ,filed with the demand

pages _____ ,filed with the letter of _____

2. with regard to the **language** ,all the elements marked above were available or furnished to this Authority in the language in which the international application was filed,unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search search (under Rule 23.1(b)).

☐ the language of publication of the international application(under Rule 48.3(b)).

☐ the banguage of the translation furnished for the purposes of international preliminary examination (under Ruls Rules 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application,the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

☐ the description,pages _____

☐ the claims Noa. _____

☐ the drawings,sheets/fig _____

5. ☐ This report has been established as if (some of)the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* *Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments(Rules 70.16 and 70.17).*

** *Any replacement sheet containing such amendments must be referred to under item I and annexed to this report.*

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/CN01/00213

III. **Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

1. This questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of :

☐ the entire international application,

☒ claims Nos. 1-11 (X=O, N)

because:

☐ the said international application, or the said claims Nos. _____

relate to the following subject matter which does not require an international preliminary examination (specify):

☐ the description, claims or drawings (indicate particular elements below) or said claims Nos. _____

are so unclear that no meaningful opinion could be formed (specify):

☐ the claims, or said claims Nos. _____ are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claims Nos. 1-11 (X=O, N) .

2. A meaningful international preliminary examination cannot be carriedout due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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V. Reasoned statement under Article 35(2)with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement:

Novelty (N)	Claims	1-11	YES
	Claims		NO
Inventive step (IS)	Claims	1-11	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Claims 1-11 are novel over D1-D3.

D1 discloses compounds which are different from the compounds of the invention, though they act as inhibitors of methionine aminopeptidase as well; And D2 and D3 disclose compounds which are quite similar in structure to the compounds of the invention, but they are useful as fungicides. So the compounds of the invention, with the activity for inhibiting methionine aminopeptidase, would not be considered to be obvious to the skilled person.

Claims 1-11 seem to meet the criteria set out in PCT Article 33(2)-(4) regarding to novelty, inventive step and industrial applicability.

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